



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 16, 1998

Ms. Katheryn H. West
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-2704

Dear Ms. West:

You ask whether certain information is subject to required public disclosure under 552 of the Government Code. Your request was assigned ID# 119638.

The Dallas Police Department (the "department") received a request for call sheets and audiotapes of 911 calls made on July 23 and 24, 1998. You contend that the originating telephone numbers and addresses from the call sheets are excepted from required public disclosure by section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. We assume that you have released the remaining requested information to the requestor. We have considered the exception you claim and have reviewed the submitted representative sample of information at issue.¹

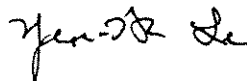
Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." In Open Records Decision No. 649 (1996), which interpreted section 772.318 of the Health and Safety Code, we examined several confidentiality provisions in chapter 772 of the Health and Safety Code. To the extent that portions of the information here involve an emergency 911 district established in accordance with chapter 772 of the Health and Safety Code, which authorizes the development of local emergency communications districts, the information

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

may be confidential under chapter 772. Sections 772.118, 772.218 and 772.318 of the Health and Safety Code make confidential the originating telephone numbers and addresses of 911 callers furnished by a service supplier. *See* Open Records Decision No. 649 (1996). Section 772.118 applies to emergency communication districts for counties with a population over two million. Section 772.218 applies to emergency communication districts for counties with a population over 860,000. Section 772.318 applies to emergency communication districts for counties with a population over 20,000. Subchapter E, which applies to counties with populations over 1.5 million, does not contain a confidentiality provision regarding 911 telephone numbers and addresses. Health & Safety Code §§ 772.401, *et seq.* Thus, if the emergency communication district here is subject to section 772.118, 772.218 or 772.318, the originating telephone number and address on the reports is excepted from public disclosure based on section 552.101 as information deemed confidential by statute.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL\nc

Ref: ID# 119638

Enclosures: Submitted documents

cc: Ms. Laura Krueger
Claims Investigator
Progressive Companies
1200 East Collins Blvd., Suite 318
Richardson, Texas 75081
(w/o enclosures/